



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/831,013

06/08/2001

Janne Salonen

4925-109PUS

8864

7590

11/01/2004

Michael C Stuart
Cohen Pontani Lieberman & Pavane
551 Fifth Avenue Suite 1210
New York, NY 10176

EXAMINER

KHUONG, LEE T

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,013

Applicant(s)

SALONEN ET AL.

Examiner

Lee Khuong

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/3/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Drawings***

1. The drawings are objected to because the described text of Fig. 1 part #155 contains spelling error. The word "TCFS" is suggested to change to "TFCS". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because the unlabeled rectangular boxes #121, #122, #124, #126, #128, 130 shown in the drawings of Fig. 2, the unlabeled rectangular boxes #506, #520, #521, #522, #523, #524, #525, #529, #529b, #550 shown in the drawings of Fig. 3 should be provided with descriptive text labeled. Corrected drawing sheets in

Art Unit: 2665

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
4. The disclosure is objected to because of the following informalities: The titles of Figures 1-4 on page 3, lines 6-16, should be more descriptive to the embodiment of the invention.

Appropriate correction is required.

Art Unit: 2665

Claim Objections

5. Claim 1 is objected to because of the following informalities:

Regarding claim 1, line 3, the words "said bearer" lacks antecedent basis.

Applicant is suggested to replace "said bearer" with "each said bearer".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Widegren et al (US 6,374,112) hereinafter referred as Widegren.

Regarding claims 1 and 16, Widegren discloses a method and a system for controlling bearer properties.

- *said bearers being data transmission paths relating to a receiver* (see col. 2, lines 62-64, a radio access bearer is a logical connection path between a network element and a mobile station, the network element here is an element in the UTRAN such as a base station) and

Art Unit: 2665

- *each bearer having at least one transport format (TF) describing properties of said bearer (see col. 3, lines 1-6, each bearer is associated with quality of service parameters that include data rate, error rate, delivery costs which is transport format parameters), in a cellular telecommunication system (see Figure 1),*

- *a set of allowed transport format combinations (TFCS) is constructed, a transport format combination (TFC) being a combination of transport formats (TF) of a plurality of bearers (see col. 3, lines 22-25, lines 34-35, a plural of radio access bearer can be established with one or more parameters accompany the radio access bearer service request),*

- *information specifying said set of allowed transport format combinations (TFCS) is communicated to the receiver for construction of said set of allowed transport format combinations (TFCS) at the receiver (see col. 3, lines 16-21, UTRAN dynamically assigned radio access bearers to UTRAN transport and radio channel resources based on quality of services parameters from the radio access bearer request which is the mobile station).*

Regarding claim 2, Widegren discloses a determination of each transport combination is within predefined limits. Predefined limits can be based on quality of services, QoS, parameter(s) requested is relatively high for a speech/voice, soft/softer handover, etc. with dedicated channel may for example be selected while request with relatively low QoS such as e-mail message, a common channel may be selected (see col. 3, lines 55-67, col. 4, lines 1-16).

Art Unit: 2665

Regarding claim 3, Widegren discloses an identifier is assigned to each set of transport combinations (see col. 9, lines 29-32, lines 50-56, assigning an identifier to each bearer or combination).

Regarding claim 4, Widegren discloses assigning identifiers of transport format combination is performed according to a predefined rule. For example, each identifier represents multiple users communicate with a single mobile station where that mobile station may be running multiple different processes or applications (see col. 9, lines 33-49).

Regarding claim 5, Widegren discloses said set of transport combinations is ordered according to the total bit rate of the transport combinations. The transport combinations can be based on class of traffic with different type of bit rates (see col. 10, lines 17-21), and identifiers are assigned to said transport combination identifiers, see similar reasons set forth in rejection of claim 3. Inherently, the assigned identifiers will form a sequence of consecutive integer numbers.

Regarding claim 6, Widegren discloses communicating information for each allowed transport combination to said receiver (see col. 3, lines 16-21).

Regarding claims 7 and 18, Widegren discloses the allowed transport combination to said receiver set forth in rejection of claim 6. Inherently, the non-allowed transport

Art Unit: 2665

combination is the bearers combination that were not allowed to form data path transmission to said receiver; therefore, it is inherently disclosed to said receiver.

Regarding claim 8, Widegren discloses at least one limit for construction of said set to said receiver (see col. 3, lines 55-67, said limit is QoS for a speech communication with dedicated channel selected).

Regarding claim 9, Widegren discloses the step of communicating information specifying at least one transport format of at least one bearer, which at least one transport format of at least one bearer is not a part of any allowed transport combination (see col. 4, lines 40-44, originally the allowed transport of one bearer/connection was the dedicated channel; however, with decreasing in QoS, the connection may be switched to the common radio channel).

Regarding claims 10 and 19, Widegren discloses the step of specifying the differences between said set to a previous set of transport combinations (see col. 4, lines 31-34, connection may be switched to another type of radio channel if the monitored parameter(s) changes enough from what was initially determined).

Regarding claim 11, this claim has similar limitations as claim 1. Therefore, it is rejected under Widegren for the same reasons set forth in the rejection of claim 1.

Art Unit: 2665

Regarding claims 12 and 21, Widegren discloses transport formats used in a transmission between a receiver and a transmitter are identified by sending a transport format combination identifier from the transmitter to the receiver (see Fig. 4, col. 9, lines 5-32, *transmitter* is UTRAN, *receiver* is the mobile station).

Regarding claims 13 and 14, Widegren discloses if either party of the connection detects that the transport combination identifiers of the receiver do not correspond to the transport combination identifiers of the transmitter, the transport combination identifiers are reconstructed at least one party of the connection, the reconstruction of transport combination identifiers at both parties of the connection according to a predefined rule (see col. 4, lines 31-34, connection may be switched to another type of radio channel if the monitored parameter(s) changes enough from what was initially determined).

Regarding claim 15, Widegren discloses one of the parties of the connection communicates its transport combination identifiers to the other party, which takes the communicated identifiers into use (see Fig. 4, col. 9, lines 5-32, UTRAN received and processed service request. Connections are established to support mobile station).

Regarding claim 17, Widegren discloses:

- a memory element for storing a set of allowed transport combinations (see Fig. 4, #86, col. 9, lines 26-28, buffer memory to handle the connection information to be transmit over the common channel),

Art Unit: 2665

- means for checking whether a single transport format combination is within predetermined limits (see col. 3, lines 55-67, col. 4, lines 1-16), and

- means for adding a single transport format combination to said set of allowed transport format combinations stored in said memory element (see col. 9, lines 29-32, lines 50-56, assigning an identifier to each bearer or combination).

Regarding claim 20, Widegren discloses means for assigning a transport combination identifier to each transport format combination stored in said memory element (see Fig. 5, #87, col. 9, lines 29-32, lines 50-56, assigning an identifier to each bearer or combination).

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wallentin et al (US 6,594,238); Berens et al (US 6,629,286); Chuah et al (US 6,400,695) are cited to show system and method for controlling bearer properties, which is considered pertinent to the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Khuong whose telephone number is 571-272-3157. The examiner can normally be reached on 9AM - 5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lee T. Khuong
Examiner
Art Unit 2665

DUCHO
PRIMARY EXAMINER


10-27-04